

F. No. 8-17/2001-FC (Vol)

Sub: Diversion of 63.30 ha. sabik kism forest land as on 25th October 1980 (treated as non-forest land in hal record) in addition to 371.192 ha of forest land already diverted out of total forest land of 639.823 ha (including sabik kism forest land of 114.061 ha), located within the Mining Lease hold area over 767.284 ha of Nuagaon Iron Ore Mines of Shri Kamaljeet Singh Ahluwalia in village Nuagaon, Topadihi, Kolharudhkela, Barpada and Katasahi etc. under Barbil Tahasil of Keonjhar District, Odisha.

1. The State Government of Odisha vide their letter No. 10F (Cons) 138/2015/14826/F&E dated 09.08.2016 submitted the above mentioned proposal seeking prior approval of the Central Government under Sectin-2 of the Forest (Conservation) Act, 1980.
2. The facts related to the proposal as contained in the State Government's letter dated 09.08.2016 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 63.30 ha sabik kism forest land as on 25 th October 1980 (treated as non-forest land in hal record) in addition to 371.192 ha of forest land already diverted out of total forest land of 639.823 ha (including sabik kism forest land of 114.061 ha), located within the Mining Lease hold area over 767.284 ha of Nuagaon Iron Ore Mines of Shri Kamaljeet Singh Ahluwalia in village Nuagaon, Topadihi, Kolharudhkela, Barpada and Katasahi etc. under barbil Tahasil of Keonjhar District, Odisha
2	Location:	
	State	Odisha
	District	Keonjhar
3.	Particular of Forest	
(i)	Name of Forest Division	Keonjhar Forest Division
(ii)	Area of Forest land proposed for Diversion	63.30 ha
(iii)	Legal Status of Forest land	Non-Forest Land recorded as Forest as on 25.10.1980
(iv)	Density of Vegetation	The applied area for diversion is situated adjacent to Sidhhamath Reserved Forest. Eco Value Class has been treated as " Eco Value Class-I " based on proximate location – Sidhhamath Reserved Forest and the canopy density has been considered at per with the prevailing vegetation depicted as "open mixed jungle mainly sal" on concerned Topo Sheet and kept at 0.3 since the applied Non-Forest land recorded as Forest as on 25.10.1980 is broken/used up to the extent of 51.418 ha
(v)	Species-wise and diameter class wise enumeration of trees	The Species-wise and diameter class wise enumeration of trees have been given and placed in file at pg.409/c . A total no. of 1228 are proposed to be enumerated. Species are Bandhan, Gambhari, Kuruma, Sal, Mango, Asan, Dhala, harida, Jamu, Kalakendu, Kasi, kendu, Kusum, mahula etc.

4.	Brief note on vulnerability of forest land to erosion	Soil erosion is likely to increase following felling of trees in the undulating topography
5.	Approximate distance of proposed site for diversion from boundary of forest	1.5 Km
6.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.	No
7.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	No
8.	Whether any protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	No
9.	Whether the requirement of forest land as proposed by the User Agency in col.2 of Part-I is unavoidable and bare minimum for the project. If no, recommended area item-wise with details of alternatives examined.	Yes
10.	Whether any work in violation of the Act has been carried out (Yes/ No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still under progress.	<p>Violation committed in the mining lease and Action Taken thereof:</p> <ol style="list-style-type: none"> Un-authorized extraction of mineral and subsequent dumping on the same site over 8.12 ha virgin forest land Extension of broken up pit no. H & I over 4.86 ha in VF Dislocation of all the broken up pillars in Block-J from their original position Non-grouting of ML pillars with cement concrete Seizure of 07 Nos Sal log and 03 Nos Siris log (0.6911 cum) inside lease hold area (Bhuyan Barapada VF area) & Tipper bearing regd. no. OR-09J-9305 <p>Action Taken- Forest Offence case vide OR case No. 172BL of 2011-12 has been registered and, prosecution sanctioned vide PR No. 02 of 2012-13 and submitted in the Hon'ble Court of JMFC, Barbil. The case is sub-judice</p>

		<p>Violation committed in the mining lease</p> <p>6. Illegal dumping of sub-grade iron ore in safety zone zrea within ML pillar No. 95 to 97 of dimension 593 mtr X 7.5 mtr in forest kissam land in village Barapada</p> <p>7. Breaking of Safety zone from ML pillar No. 106 to 110 over dimension 571 mtr x 36 mtr x 15 mtr.</p> <p>Action Taken- Forest Offence case vide OR case No. 67BL & 68BL of 2012-13 has been registered and prosecution sanctioned vide PR No. 15 of 2012-13 and 16 of 2012-13 and submitted in the Hon'ble Court of JMFC, Barbil. The case is sub-judice</p> <p>Illegal Production of Iron Ore in revenue forest during the following Period- 1994-95-----42810 MT 1995-96-----29699 MT 1996-97-----47901 MT 1997-98-----69596 MT 1998-99-----97474 MT 1999-00-----86032 MT 2000-01-----116702 MT</p> <p>Action Taken: The Collector, Keonjhar has been requested vide letter No. 5437 dated 12.08.2014 and No. 8039 dt 26.11.2014 to take legal action for illegal mining in revenue forest land without FC approval. Action taken report awaited.</p> <p>Observation as Regards present Land Use vis-a-vis Approved Land Use Plan</p> <p>The following deviation is observed in respect of land use in the mining lease in comparison with the approved land use plan:</p> <ol style="list-style-type: none"> 1. Stacking of Sub-Grade ores to the tune of 63.628 ha diverted forest land as against the approved area for the said purpose over 19.698 ha. 2. The designated and approved for ore stacking and dressing has been accompanied with a crusher even if that has not been specifically mentioned in the land use plan. 3. Extension of the establish beneficiation plant to the tune of 0.90 ha. in diverted village forest.
11.	Details of compensatory afforestation scheme	

	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	<p>Details of Non-Forest Land- Non forest land, equal in extent the forest land submitted for diversion over 63.30 ha under Sec 2 (ii) under FC Act, 1980 will be met from the identified and allotted non-forest Govt. land over 76.287 ha in village Phuljhar under BJP range of Banspal Tahasil (earlier Telkoi Tahsil) of Keonjhar district in favour of Nuagon Iron Mines of Sri Kamaljeet Singh Ahluwalia, vide letter No. XXI-32/98/Rev/2276(5) dated 09.10.1998 of the Collector, Keonjhar.</p> <p>Distance from adjoining forest – 0.5 Km Number of Patches - One Size - 63.30 ha</p>
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Placed in file at Pg. 489/c.
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	The detailed CA Scheme is given and placed in file at Pg.-419-429/c.
	(iv) Total financial outlay for CA	Rs. 47,06,828/-
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	The Non-Forest Govt. land identified in village Phuljhar under BJP forest range of Banspal, Tahasil is suitable for Compensatory Afforestation under ANR with gap model @ 200 seedling per ha. (Pg-477/c).
12.	Site Inspection report of the DCF (to be enclosed) especially highlighting facts asked in column	The SIR has been done by DFO Keonjhar and available in file at Page- 444 -447/c. The proposal is not clearly recommended but submitted for necessary approval under section 2(ii) of Forest (Conservation) Act, 1980 (Pg. 48/c).
13.	Total cost of project	2500 (lakhs)
14.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has not been submitted by the State Government.
15.	Recommendations	
	DFO	Not clearly recommended but submitted for necessary approval under section 2(ii) of Forest (Conservation) Act, 1980 (Pg. 48/c).
	RCCF	May be considered for approval under section 2(ii) of Forest (Conservation) Act, 1980 (Pg. 49/c).
	PCCF	Recommended (Pg. 56/c).
	State Govt.	Recommended (Pg. 57/c).

16.	District Profile	
	(ii) Total Geographical area of the district	830300 ha
	(iii) Total Forest area/ Divisional Forest area	336615.6293 ha
	(iv) Total area diverted since 1980 with number of cases	10170.9705 ha (72 nos cases)
	(v) Total CA stipulated since 1980 (Forest land)	
	a. Forest land including penal CA	CA. 1669.6180 ha PCA. 4994.8675 ha
	b. Non Forest Land	CA. 7247.7931 ha
	(vi) Progress of Compensatory Afforestation	
	a. Forest land	CA. 1152.58 ha PCA. 2996.58 ha
	b. Non Forest land	CA. 5983.9016 ha

4. The other information indicated in the forwarding letter is as follows:

- (i) The Nuagaon Iron Ore Mines of Sri Kamaljeet Singh Ahluwalia is located in villages Nuagaon, Guali,, Barpada, Katasahi,Kolh-Rudkela, Topadihi, Pandulipasi, Kendudihi, Gendhalpadaetc. underBarbil, Tahasilwithin the jurisdiction of Barbil Range(Keonjhar Forest Division) of Keonjhar District. The original Mining Lease was granted and executed in favour of M/s Karam Chand Thapar & Brothers (P) Ltd. for a period of 20 years from 04.03.1959 to 03.03.1979 for Iron and Manganese ore. Subsequently, Manganese ore was surrendered by the lessee as per Govt. instruction in erstwhile Mining & Geology Dept. letter No.6062/MG dated 21.06.1963. The said mining lease was transferred in favour of M/s Hindustan General Electrical Corporation in the year 1967 following approval of the State Government vide Proceedings No. 8164/MG dt.29.12.1966.The 1st RML was granted and executed in favour of M/s Hindustan General Electrical Corporation for a period of 20 years with effect from 04.03.1979 to 03.03.1999. The lease deed has been executed on dated 07.09.Further, it is to mention that during the period of 1st RML, by virtue of the order of Hon'ble High Court, Calcutta in Company Petition No.570 of 1983, the mining lease stood transferred and vested with the original lessee i.e. M/s Karam Chand Thapar & Brothers Ltd. On the request of the lessee M/s Karamchand Thapar & Brothers dt.17.10.1984, mining lease was transferred by the erstwhile Mining and Geology Department in favour of Sri Kamaljeet Singh Ahluwalia, Barbil, during 1st RML period, vide their

order No.11541/MG dt.01.12.1984. The transfer lease deed was executed on dt. 18.12.1984. The transfer deed executed in favour of Sri K.J.S Ahluwalia is enclosed at page-91-101/DP. The 2nd RML application was filed by the transferee lessee i.e. Sri K.J.S. Ahluwalia in the year 1998 over total ML area of 767.284 ha one year prior to the expiry of the 1st RML period. In pursuance to section 8(A) of the MMDR Amendment Act, 2015, the State Government in Steel & Mines Department has extended the mining lease period of this mine from 4.3.1999 to 31.3.2020 vide their letter No. 3345/SM dt. 18.4.2015 (page 27-29/DP). Accordingly a supplementary lease deed has been executed for the extended period of lease on 7.5.2015(page 30-36/DP) during the original as well as renewal of mining lease period, the ML area of 767.284ha. was comprising of 525.762ha. of forest land and 241.522ha. of non-forest Government and tenanted land. The forest land of 525.762ha. was having 481.004ha. of Khesra forest as per hal record, 4.613ha. of DLC forest, 32.578ha. of Government forest land as per not final RoR(converted to non-forest in hal record) and 7.167ha. of tenanted forest land as per not final RoR(converted to non-forest land in hal RoR). During the period of 2nd RML, a proposal for diversion of 371.192ha. of forest land out of applied forest area of 476.205ha. was forwarded to MoEF, GoI for consideration under FC Act, 1980 vide letter No.441/F&E dt. 6.1.2001. The GoI, MoEF vide their letter F.No. 8-17/2001-FC dt. 22.4.2004 had accorded final forest clearance for diversion of 371.192ha. of forest land in this lease(page 294-295/DP). The present status of compliance of the conditions stipulated in the Stage-II approval order dt. 22.4.2004 is enclosed at page 297-299/DP.

Pursuant to MoEF&CC guidelines bearing No. 8-78/1996-FC (pt.) dt. 10.3.2015, out of the total non-forest area 241.522 ha. in the ML as per Hal record, 114.061ha. was found to be of sabik kism forest land as on 25.10.1980 and remaining 127.461ha. of non-forest land. After identification of Sabik Kism forest land of 114.061ha, the total forest land in the mining lease is 639.823 ha comprising of 481.004 ha. of Khesra forest as per hal record, 4.613ha. of DLC forest, 32.578ha. of Government forest land as per not final RoR (converted to non-forest in hal record) and 7.167ha. of tenanted forest land as per not final RoR(converted to non-forest land in hal RoR) and 114.061ha. of sabik kism forest land as on 25.10.1980. Detailed land schedule of the non-forest area in the ML area as on 25.10.1980 duly certified by Tahasildar of Barbil is at page 302-337/DP. As directed by MoEF&CC, GoI, user agency has now filed forest diversion proposal for 63.30ha. of sabik kism forest land out of total sabik kism forest land of 114.061. The applied forest area of 63.30ha. includes 51.418ha. of broken up land and 11.882ha. of virgin land. The broken up sabik forest kism land is under use for various mining activities including Mining with haul road, waste dump, Sub-grade Stacking, ore stock yard/ Screening & Crushing plants premises, mines road, beneficiation plant, weight bridge, store room,

office and camp. This proposal is now under process for obtaining approval of MoEF&CC, Government of India under Section 2(ii) of FC Act, 1980.

As forest clearance for 371.192 ha. of forest land is available for this existing lease, approval under Section 2(iii) of FC Act, 1980 of MoEF&CC, GoI is available for remaining un-diverted forest land including sabik kizam forest land as on 25.10.1980 as per general approval order of MoEF&CC vide letter F.No.11-599/2014-FC dt. 01.04.2015 as the lessee has deposited NPV amount for entire forest area of 639.823ha.

(ii) **Maps:** The user agency has furnished the following maps:

SL.No	Map Particulars	Scale	Plate No
1	Mining Lease area/ Index map showing adjoining lease areas shown in survey India toposheet No. 73G/5	1:50000	I
2	Geo-referenced Map of forest land applied for diversion in the the mining lease	1:6000	II
3	Original Lease Plan of 1 st RML	16"=1 mile	III
4	Lease Plan of 2 nd RML Showing Different Categories of Forest & Non-Forest	1:4000	III (A)
5	Approved Land use Plan under FC Act, 1980	1:4000	IV
6	Present Land Use Plan	1:4000	V
7	Proposed Land use Plan in respect of applied forest area	1:4000	VI
8	Safety zone Plan	1:4000	VII
9	Geological plan approved by IBM	1:5000	VIII
10	Phased reclamation & afforestation Plan	1:4000	IX
11	Method of reclamation Plan	Not to Scale	IX (A,B,&C)
12	Non Forest land for Compensatory Afforestation.	1:4000	X
13	Topo Map Showing the Location of NF land for Compensatory Afforestation	1:50000	X (A)
14	Treatment Plan in Non-Forest Govt. land for CA	1:2000	X (B)

(iii) **Forest Land:** After identification of Sabik Kizam forest land of 114.061ha, the total forest land in the mining lease is 639.823ha comprising of 481.004ha. of Khesra forest as per hal record, 4.613ha. of DLC forest, 32.578ha. of Government forest land as per not final RoR(converted to non-forest in hal record) and 7.167ha. of tenanted forest land as per not final RoR(converted to non-forest land in hal RoR) and

114.061ha. of sabik kism forest land as on 25.10.1980. Detailed land schedule of the non-forest area in the ML area as on 25.10.1980 duly certified by Tahasildar of Barbil is at page 302-337/DP. Out of 114.061ha. of sabik kism forest land, the instant proposal has been filed/processed for obtaining forest clearance for 63.30ha. of forest land for non-forest use. The purpose wise break-up of 63.30 ha forest land proposed for diversion is given below:

Purpose wise breakup of the 63.30 ha sabik kism Forest as on 25.10.1980.

Table – 1

Existing Land Use in respect of broken up land within sabik kism forest land of 63.30 ha as on 25.10.1980 along with Non-Forest land involved in the project.

(Area in ha)

SL No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980	Broken up non-forest land recorded as forest as on 25.10.1980 located in S.Z.	Total Broken up non-forest land recorded as forest as on 25.10.1980	Broken up non-forest land recorded as non-forest as on 25.10.1980	Grand Total
1	Mining with inside road	27.881 (including 0.55 ha)	0	27.881	0	27.881
2	Dumping	3.040 (including 1.800 ha reclaimed area)	0	3.040	0	3.040
3	Sub Grade Ore Stacking Yard	14.227	0	14.227	0	14.227
4	Road	0.740	0.050	0.790	0	0.790
5	Office, Camp, Weigh Bridge and store room	0.880	0	0.880	0	0.880
6	Beneficiation Plant premises	3.100	0	3.100	0	3.100
7	Screening & Crusher Premises with Ore Staking	1.500	0	1.500	1.640	3.140
T O T A L		51.368	0.050	51.418	1.640	53.058

Table -2

Proposed Land use of virgin sabik kism forest as on 25.10.1980 within 63.30ha. of sabik forest land applied for diversion along with Non-Forest land involved in the project

Sl. No.	Pattern of Utilization	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 located in the S.Z. (in ha)	Total Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Grant total in ha
1	Mining with inside Road	3.439	---	3.439	---	3.439
2	Dumping	4.510	---	4.510	---	4.510
3	Sub Grade Ore Stacking Yard	3.933	---	3.933	---	3.933
4	Mines Road	---	---	---	---	---
5	Office, Camp, Weigh Bridge and store room	---	---	---	---	---
6	Beneficiation Plant premises	---	---	---	---	---
7	Crusher Premises/ Ore Staking	---	---	---	---	---
TOTAL		11.882	---	11.882	---	11.882

Table-3
Abstract of Existing and Proposed Land use of non-forest land recorded as forest as on 25.10.1980 along with Non-Forest land involved in the project (Area in ha)

SL. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980	Virgin non-forest land recorded as forest as on 25.10.1980	Proposed Land use Change of Broken up non-forest land recorded as forest as on 25.10.1980	Utilization pattern of total non-forest land recorded as forest as on 25.10.1980	Broken Non-forest land recorded as non-forest as on 25.10.1980	Virgin Non-forest land recorded as non-forest as on 25.10.1980	Total Non-forest land recorded as non-forest as on 25.10.1980	Grand Total
1	2	3	4	5	6 (3+4+5)	7	8	9 (7+8)	10 (6+9)
1	Mining with inside Road	27.881 (inclusive of 0.55 ha reclaimed area)	3.439	2.280 (2.28 ha from Sub Grade ore Stacking yard)	33.600	0	0	0	33.600

2	Dumping	3.040 (inclusive of 1.800 ha reclaimed area)	4.510	0.79 (0.79 ha Sub Grade ore Stacking yard)	8.340	0	0	0	8.340
3	Sub Grade Ore Stacking Yard	14.227	3.933	Minus 3.070 (2.280 for Mining +0.79 for waste dump)	15.090	0	0	0	15.090
4	Mines Road	0.790	---	--	0.790	0	0	0	0.790
5	Office, Camp, Weigh Bridge and store room	0.880	---	---	0.880	0	0	0	0.880
6	Beneficiat ion Plant premises	3.100	---	-	3.100	0	0	0	3.100
7	Crusher Premises/ Ore Staking	1.500	---	-	1.500	1.640	0	1.640	3.140
	Total	51.418	11.882	0	63.300	1.64	0	1.640	64.940

(iv) **Wild Life Management Plan:** The Site Specific Wildlife Conservation Plan for this mining project has been approved by the PCCF, (Wildlife) & CWLW, Odisha with a financial forecast of Rs. 348.00 Lakh (Rs. 70.00 Lakh for activities to be taken up by user agency in the project area and Rs. 278.00 Lakhs for the activities to be executed by DFO, Keonjhar within the project impact area). A copy of the approval letter is enclosed at **page-415-417**. The User Agency has deposited Rs. 258.00 lakh in Ad-hoc CAMPA through RTGS on dated 07.12.2011 (**page-418-422/DP**). An undertaking to deposit the balance amount of Rs. 20.00 lakhs, earmarked for infrastructure support, has been furnished by the Lessee at **Annexure –XI (Page No.291-292 /DP)**. Besides, User Agency has deposited Rs.3,29,93,212/-in favour of Ad-hoc CAMPA towards proportionate cost of implementation of Comprehensive Wildlife Management Plan over the total mining lease area of 767.284 ha at the revised rate of Rs.43,000/- per ha. in two phases i.e Rs.1,53,45,680/- through RTGS dated 07.12.2011 and Rs. 1,76,47,532/- through RTGS dated 25.01.2016. The copy of the payment details are enclosed at **page-423-430/DP**.

(v) **Compensatory Afforestation:** An extent of non-forest Govt. land of 63.30 ha of Parbat-II kism has been identified in village Phuljhar under Banspal Tahasil (earlier Telkoi Tahsil) of Keonjhar district for

raising Compensatory Afforestation in lieu of the 63.30 ha sabik kism forest land as on 25.10.1980 proposed for diversion in the instant proposal. Letter of Tahasildar, Barbil to ADM, Keonjhar in this context dt. 15.7.2016 is at page 372/DP. The identified non-forest land of 63.30ha. has been jointly verified by Revenue and Forest Department Officials. Joint verification report is at page 373/DP. Detailed land schedule of identified non-forest land is given below.

Tehsil	Village	Khata No.	Plot No.	Area	Kisam
Bansapal	Phuljhar	154(AAA)	1724	18.00 ha.	Parbat-II
			1753(P)	20.70ha.	
			1754(P)	16.3126ha.	
			1755	8.2874ha	
Total				63.300ha.	

The identified non-forest land for compensatory afforestation is certified to be free from encroachment and encumbrance. The DFO, Keonjhar has certified this identified land to be suitable for compensatory afforestation. Compensatory Afforestation Scheme in ANR mode of Plantation of 200 plants per hectare has been prepared by DFO, Keonjhar with a total financial forecast of Rs.43,29,600/- @ current wage rate of Rs. 200/- per manday with maintenance cost of 10 years. The species selected to be planted under the scheme are Amla(*Emblca officinalis*), Neem (*Azadirachta indica*), Bahada(*Terminalia belerica*), Karanja(*Pongamia pinnata*), Jamu(*Sizium cumini*), Gambhar(*Gmelina arborea*), Dhaura(*Anogeissus latifolia*), Harida(*Terminalia belerica*) etc. The Addl. Pr. CCF (Forest Diversion) & Nodal Officer, FC Act has accorded technical approval to both the CA schemes. Copy of duly approved CA scheme is appended to the DP page 374-388a/DP. The user agency shall provide the funds with Adhoc-CAMPA for execution of CA scheme by State Forest Department.

- (vi) **Cost benefit analysis:** The Cost Benefit analysis has been worked out as per the guidelines of Forest (Conservation) Act, 1980 and enclosed in the proposal as **Annexure- XX (A,B&C)**. Total loss has been evaluated at Rs.1,12,00.794/- whereas total benefit notwithstanding loss of forest to be accrued from the project has been estimated at Rs.200 Crore. The Cost Benefit ratio is **1:178.56 (Page No. 367-369 /DP)**.
- (vii) **Safety Zone:** After identification of 114.061 ha sabik kism forest land as on 25.10.1980, the mining lease of Nuagaon Iron Ore Mines of Sri K.J.S. Ahluwalia, granted/executed over 767.284 ha involves 639.823 ha of forest land including 521.149 ha of Village Forest, 4.613 ha of DLC forest land and 114.061 ha of sabik kism forest land as on 25.10.1980. The safety zone involves an area of **73.459ha. Including** forest of 57.838 ha and Non-Forest land of 15.621 ha. While processing the previous diversion proposal of 371.192 ha of forest land out of total forest land of 525.762 ha i.e. without including sabik kism forest land of 114.061 ha as on 25.10.80, the forest land in Safety Zone area was calculated to be 47.997 ha and accordingly the relevant scheme was prepared then. In view that 114.061 sabik kism forest land as on 25.10.1980 was found in the ML area, an area 9.841 ha of sabik kism forest land is now within the safety Zone area for which total forest land within the safety zone in the mining lease is enhanced to 57.838 ha.

- (viii) **Environmental Clearance:**The User Agency has obtained Environmental Clearance for production of 5.62 Million tons of Iron ore vide GoI, MoEF letter No. J-11015/1156/2007-IA.II (M) dt.02.02.2010. The copy of the Environmental Clearance order is enclosed as **Annexure- III(Page No.17-26 /DP)**. The State Pollution Control Board, Odisha has issued Consent to Operate vide letter No.3500/IND/I-CON-2320 Dt.27.02.2016with validity up to 31.03.2020.The Copy of the Consent to Operate Order is enclosed as **Annexure – XVIII(Page No. 351-364 /DP)**.
- (ix) **Phased Reclamation Plan:**It has been reported by the DFO, Keonjhar that mined out pits over 3.438 ha has been reclaimed and OB dump over 1.8ha has been stabilised. The instant diversion proposal over 63.30 ha of sabik kism forest land as on 25.10.1980, located in the mining lease, includes 2.350 ha reclaimed area (1.80 ha + stabilised OB dump and 0.55 reclaimed mining pits) out of aforesaid reclaimed area. In addition, the User Agency has furnished an undertaking vide **Annexure No. – XI (Page No.291-292 /DP)**to undertake concurrent reclamation of mined out pits through back filling followed by afforestation as per the Concurrent Reclamation Plan(**Page-342-350/DP**).
- (x) **Resettlement and Rehabilitation:**It has been reported that this project does not involve displacement of human habitation. Hence R&R Plan is not necessary.
- (xi) **Mining Plan/ Mining Scheme:**Scheme of mining with Progressive Mines Closure Plan for the period from 2014-15 to 2018-19 has been approved by IBM in letter No.MS/OTFM/24-ORI/BHU/2013-14/1425 dated.22.7.2014(page 102-103/DP). As reported by lessee in Part I of application form, there is an estimated reserve of iron ore of 146.8Million tonnes. Considering 5.62MTPA of production of minerals, the life of mines is said to be 27 years. The entire mining operation is mechanized with heavy earth moving equipment, ore processing and beneficiation plant and other machineries and infrastructural facilities. The copy of the approved scheme of Mining is enclosed as **Annexure- VII & VIII (Page No.104-262 /DP)**.
- (xii) **Violation& Action Taken thereof:** The following violations have been reported by the DFO, Keonjhar Division (**Annexure-XXIV, page-400-401/DP**):
1. Un-authorized extraction of mineral and subsequent dumping on the same site over 8.12 ha virgin forest land.
 2. Extension of broken up pit No. H & I over 4.86 ha. in VF.
 3. Dislocation of all the broken up pillars in Block- J from their original position.
 4. Non-grouting of ML pillars with cement concrete.
 5. Seizure of 07 Nos. Sal log and 03 Nos. Siris log (0.6911 Cum) inside lease hold area (BhuyanBarapada VF area) &Tipper bearing regd. No. OR-09J-9305.

Action Taken-

Forest Offence case vide OR case No. 172BL of 2011-12 has been registered and prosecution sanctioned vide PR No. 02 of 2012-13 and submitted in the Hon'ble Court of JMFC, Barbil. The case is sub-judice.

(xiii) Violation committed in the mining lease:

1. Illegal dumping of sub-grade iron ore in safety zone area within ML pillar No. 95 to 97 of dimension of 593 mtr X 7.5 mtr in forest kissam land in village Barapada.
2. Breaking of Safety zone from ML pillar No.106 to 110 over dimension of 571 mtr x 36 mtr. x 15 mtr.

Action Taken

Forest Offence case vide OR case No. 67BL & 68BL of 2012-13 has been registered and prosecution sanctioned vide PR No. 15 of 2012-13 and PR No. 16 of 2012-13 and submitted in the Hon'ble Court of JMFC, Barbil. The case is sub-judice.

- (xiv) Observation of Hon'ble Shah Commission and Action taken thereof: As per Hon'ble Shah Commission's report, the aforesaid mine finds place at serial No. 25 of Annexure-III A for having production without prior approval under F.C. Act, 1980 .**

Illegal Production of Iron Ore in revenue forest during the following Period:

1994-95---42810 MT
1995-96---29699 MT
1996-97---47901 MT
1997-98---69596 MT
1998-99---97474 MT
1999-00---86032 MT
2000-01---116702 MT

Action Taken:

The Collector, Keonjhar has been requested vide letter No. 5437 dated 12.08.2014 and No. 8039 dt.26.11.2014 of DFO, Keonjhar to take legal action for illegal mining in revenue forest land without FC approval. Action taken report is awaited.

- (xv) Observation of DFO, Keonjhar Division regarding Present Land Use vis-à-vis Approved Land Use Plan:** The following deviation is observed in respect of land use in the mining lease in comparison to the approved land use plan:

1. Stacking of Sub-Grade ores to the tune of 63.628 ha of diverted forest land as against the approved area for the said purpose over 19.698 ha.

2. The designated and approved area for ore stacking and dressing has been accompanied with a crusher even if that has not been specifically mentioned in the land use plan.
3. Extension of the established beneficiation plant to the tune of 0.90 ha in diverted village forest.

(xvi) **Net Present Value** is applicable to this project. After identification sabik kism forest land in this mining lease over 767.284ha, total forest land involved in this ML is 639.823ha and 127.461ha of Non-Forest Land. The orest Land over 639.823 ha includes 521.149 ha of Village Forest, 4.613 ha of DLC Forest land and 114.061ha of sabik kism forest land as on 25.10.1980. NPV has been deposited in favour of Ad-hoc CAMPA by the User Agency in respect of the entire forest land included in the mining lease as demanded by the DFO, Keonjhar from time to time. The details of deposits made, are mentioned below:

SL No.	Forest Area (in ha)	Eco Value Class	Canopy Density	The then Applicable Rate (in Rs)	NPV Deposited (in Rs)	Details of deposits
1	276.297 ha (Virgin/un-broken forest land)	I	0.3	7,50,000/-	Rs.20,72,22,750/-	DD No. 670414 dt.02.03.2007 in favour of CAF
	94.895 ha (Broken up forest land)	I	0.1	5,80,000/-	Rs. 5,50,39,100/-	
Total	371.192 ha				Rs. 26,22,61,850/-	
2	525.762 ha (Rs.730000/-ha over 525.762 ha – NPV already realised to the tune of Rs.26,22,61,850/- irrespective of per ha NPV amount demanded earlier)	I	0.3	7,30,000/-	Rs. 12,15,44,410/-	DD No. 164156 dt.01.07.2010 In favour of CAF.
3	NPV for 114.061 ha non forest land recorded as forest as on 25.10.1980	I	0.3	7,30,000/-	Rs. 8,32,64,530/-	RTGS dt.13.07.2016 in Ad-hoc CAMPA
Total	639.823 ha			7,30,000/-	Rs.46,70,70,790/-	

(xvii) **Certificate under FRA guidelines: Compliance to FRA guidelines** of MoEF in respect of the 114.061ha. of sabik kism forest land as on 25.10.1980 including the 63.30 ha of such forest land proposed for diversion under this proposal, has not yet been submitted.

In view of the above, it is requested by the Govt of Odisha may kindly examine this proposal for diversion of 63.30 ha sabik kisam forest land as on 25th October 1980(treated as non-forest land in hal record) in addition to 371.192ha. of forest land already diverted out of total forest land of 639.823ha. (including sabik kisam forest land of 114.061ha), located within the Mining Lease hold area over 767.284 ha of Nuagaon Iron Ore Mines of Sri Kamaljeet Singh Ahluwalia in village Nuagaon, Topadihi, Kolharudhkela, Barpada and Katasahi etc. under Barbil Tahasil of Keonjhar District, Odisha and convey their approval under Section-2 of Forest (Conservation) Act, 1980 in favour of the User Agency to this department subject to the following stipulation.

- A) The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude of each pillar to the Divisional Forest Officer, Keonjhar for his reference before commencement of work on final forest clearance.
- B) Collector, Keonjhar shall furnish required FRA compliance pertaining to 114.061ha.(including 63.30ha. applied for diversion) of sabik kisam forest land as on 25.10.1980(non-forest land in hal record) in this lease before obtaining Stage-II forest clearance for the instant forest diversion proposal.
- C) User agency shall maintain and protect the safety zone as per para 4.7 of FC Act guidelines at their cost.
- D) Land schedule for entire mining lease authenticated by Tahasildar, Barbil and duly countersigned by DFO, Keonjhar shall be furnished.
- E) Land schedule for 63.30ha. of sabik kisam forest land applied for diversion duly authenticated by Tahasildar, Barbil and DFO, Keonjhar shall be furnished.
- F) Phased reclamation Plan appended to the DP shall be approved by competent authority for implementation by lessee at project cost.
- G) Land use plan of the ML area of 767.284ha.indicating forest land already diverted, sabik kisam forest land now applied for diversion, non-forest land, virgin forest/ sabik forest/non-forest shall be furnished.
- H) Penal measures as would be imposed by MoEF&CC, shall be complied by the user agency.
- I) Plate III (Original lease Plan) is illegible. Clear copy of lease plan duly authenticated by all concerned shall be furnished.
- J) Plate XA (SoI topomap showing CA land) will be authenticated by Forest, Revenue Officials.
- K) The user agency shall provide the funds with Adhoc-CAMPA for execution of CA scheme by State Forest Department.
- L) In view that 371.192 ha. of forest land already diverted, and 63.30 ha. of sabik kisam forest land now proposed for diversion, the vegetation over the remaining forest land i.e. 205.331ha.(639.823 ha.- 371.192 ha.- 63.30 ha.) Including the forest land in safety zone is to be protected and preserved by the lessee at their cost. Tree enumeration of such forest land shall be taken up by the DFO, Keonjhar for facilitating the lessee in this context. DFO, Keonjhar shall maintain strict vigil to ensure that no illegal activities take place on such un-diverted forest land and vegetation over such forest land remains intact.

In view of above, the facts related to the above proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 9th-10th November, 2016 for their examination and appropriate recommendation.
